

tion all net revenues derived from taxes except gross production and ad valorem taxes levied on motor fuels and lubricants and motor vehicle registration fees shall be used for the sole purpose of acquiring rights-of-way for and constructing and maintaining public roadways; for the administration of laws pertaining to traffic and safety; and for the payment of principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible for debt service prior to January 2, 1945; providing that one-fourth ($\frac{1}{4}$) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; providing and insuring that each county shall never derive less revenue from motor registration fees than the maximum amounts and percentages of such fees allowed to be retained by each county under the laws in effect on January 1, 1945; and negating any interpretation of this amendment as authorizing the pledging of the State's credit for any purpose.

Each voter shall strike out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting FOR or AGAINST said proposed amendment.

Section 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for Amendments thereto.

Question—Shall the report be adopted?

Adjournment

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—20

Aikin	Metcalf
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Stanford
Graves	Sulak
Jones	Taylor
Lane	Vick
Lanning	Winfield
Martin	York

Nays—7

Hazlewood	Knight
Kelley	Moffett

Moore	Stone
Spears	

Absent—Excused

Carney	Shivers
Mauritz	Weinert

The Senate, accordingly, at 1:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

EIGHTY-FOURTH DAY

(Tuesday, June 5, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Spears was granted leave of absence for today on account of important business on motion of Senator Winfield.

Conference Committee on Senate Bill 167

Senator Lanning moved that the conference committee appointed to adjust the differences between the two Houses on S. B. No. 167 be discharged, and that a new conference committee be requested to consider further the differences.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Lanning, Martin, Aikin, Morris and Metcalfe.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 4, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 324, An Act relating to the salaries of all State officers except the salaries and other compensation of District Judges and except those Constitutional State Officers whose salaries are specifically fixed by the Constitution.

S. B. No. 311, Authorizing the State to accept from the City of Laredo, Texas, and from the Webb County Tuberculosis Association, a corporation, title to and conveyance of all lands and all buildings thereon and equipment therein, which lands, buildings, and equipment are now being used by the City-County Tuberculosis Hospital for a Tuberculosis Sanatorium, and operated by the Webb County Tuberculosis Association.

S. B. No. 346, Amending Section 11 of House Bill No. 961, Chapter 458, Acts of the 47th Legislature, Regular Session, authorizing the Commissioners Court of Dallas County to appoint a Purchasing Agent for said county, and to fix his duties, official bond, and compensation.

S. B. No. 348, Amending Acts of 1941, 47th Legislature, page 269, Chapter 183, and declaring an emergency.

H. C. R. No. 104, In memory of Mrs. Josephine Collins.

H. C. R. No. 117, In memory of J. Culberson Deal.

S. B. No. 295, To amend sub-section 63, of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925 Revision, so as to rearrange, change and provide the terms and the time of holding District Court in Val Verde, Terrell, Edwards, Kinney, and Maverick Counties, Texas, constituting the 63rd Judicial District Court of Texas.

The House refused to concur in Senate Amendments to H. J. R. No. 62 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees have been appointed on the part of the House: Cousins, Bell of De Witt, Salas, Thomas, Senterfitt.

The House has adopted the Conference Committee Report on House Bill No. 215 by a vote of viva voce.

The House has concurred in Senate amendments to House Bill No. 290 by a vote of 102 yeas and 7 nays.

The House has concurred in Senate amendments to House Bill No. 46 by a vote of viva voce.

The House has adopted the following resolutions:

H. C. R. No. 124, Suspending the Joint Rules and any other Rules that may be necessary in order that the Senate may take up and consider H. B. No. 885.

H. C. R. No. 125, Suspending the Joint Rules to permit the Senate to consider H. B. No. 634.

H. C. R. No. 126, Suspending the Joint Rules to permit the House to consider H. B. No. 881.

H. C. R. No. 127, Suspending Joint Rule No. 9 so that the Senate may take up and consider H. B. No. 887 on Tuesday, June 5, 1945.

H. C. R. No. 128, Suspending the Joint Rules so as to permit the Senate to consider H. J. R. No. 26 at any time before the sine die adjournment of the Forty-ninth Legislature.

H. C. R. No. 129, Suspending the Joint Rules so as to permit the Senate to consider H. B. No. 843 at any time before the sine die adjournment of the Forty-ninth Legislature.

H. C. R. No. 130, Suspending Joint Rule No. 9 of the Joint Rules to permit the Senate to consider H. B. No. 298.

H. C. R. No. 131, Suspending Joint Rule No. 9 so as to permit the Senate to consider H. B. No. 82 on Tuesday, June 5, 1945.

The House has adopted the Conference Committee Report on H. J. R. No. 49 by a vote of 103 yeas and 18 nays.

H. B. No. 885, Creating a revolving fund for the Division of Soil Conservation of the Texas State Highway Commission, and defining its duties.

H. C. R. No. 132, Suspending Joint Rule No. 9 and all other rules that are necessary so as to permit the Senate to consider House Bill No. 34 on Tuesday, June 5, 1945.

H. C. R. No. 133, Suspending the Joint Rules to permit the Senate to consider House Bill No. 49.

H. C. R. No. 134, Suspending the Joint Rules and any other Rules that may be necessary in order that the Senate may take up for consideration and final passage House Bill No. 146 at any time before sine die adjournment.

H. C. R. No. 135, Suspending the Joint Rules to permit the Senate to consider House Bill No. 383.

H. C. R. No. 136, Suspending the Joint Rules to take up House Bill No. 645.

The House has concurred in Senate amendments to House Bill No. 127 by a vote of 110 yeas and 5 nays.

The House has adopted the Conference Committee Report on Senate Bill No. 338 by a vote of 107 yeas and 0 nays.

The House has granted the request of the Senate for further conference on S. B. No. 167. The following conferees have been appointed on the part of the House: Morgan, Humphrey, Green, Helpinstill, Ramsey.

The House has adopted:

H. C. R. No. 140, Suspending the Joint Rules so as to permit the Senate to consider House Bill No. 866 before sine die adjournment.

H. C. R. No. 142, Instructing the Engraving Clerk of the Senate to make certain changes in Senate Bill No. 317.

The House has adopted the Conference Committee Report on House Bill No. 98 by a vote of 113 yeas and 0 nays.

S. C. R. No. 41, Suspending the Joint Rules in so far as H. B. No. 725 is concerned.

H. C. R. No. 141, Suspending the Joint Rules to permit the Senate to consider House Bill No. 802 on Tuesday, June 5, 1945.

H. C. R. No. 138, Suspending the Joint Rules to consider H. B. No. 875 at any time.

H. C. R. No. 139, Suspending Joint Rule No. 9 and all other rules that are necessary so as to permit the Senate to consider H. B. No. 334 on June 5.

The House has adopted the Conference Committee Report on S. B. No. 167 by a vote of 131 yeas and 0 nays.

H. C. R. No. 137, Instructing the Enrolling Clerk of the House to correct H. B. No. 173.

H. C. R. No. 143, Requesting the Governor to return to the House for correction H. B. No. 173.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Senate Concurrent Resolution 40

Senator Moore offered the following resolution:

S. C. R. No. 40, Suspending the Joint Rules to permit the Senate to consider, on this day, House Bill No. 298.

The resolution was read.

By unanimous consent, the resolution was considered immediately.

The resolution was lost by the following vote:

Yeas—12

Brown
Chadick

Crawford
Graves

Kelley	Moore
Knight	Parrish
Lane	Stanford
Moffett	Stone

Nays—14

Aikin	Shivers
Bullock	Sulak
Jones	Taylor
Lanning	Vick
Martin	Weinert
Metcalf	Winfield
Morris	York

Absent

Carney	Ramsey
Hazlewood	

Absent—Excused

Mauritz	Spears
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Senate Concurrent Resolution 41

Senator Morris by unanimous consent offered the following resolution:

S. C. R. No. 41, Suspending the Joint Rules to permit the Senate to consider House Bill No. 725 on Tuesday, June 5, 1945.

The resolution was read.

The resolution was adopted by the following vote:

Yeas—27

Aikin	Metcalf
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Winfield
Lanning	York
Martin	

Nays—2

Shivers	Weinert
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Absent—Excused

Mauritz	Spears
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Conference Committee on House Joint Resolution 62

On motion of Senator Martin, the request of the House for a conference committee on H. J. R. No. 62 was granted, and the President ap-

pointed the following conferees on the part of the Senate: Senators Martin, Aikin, Moffett, Stone and Shivers.

Senate Resolution 90

Senator York moved that Senate Resolution No. 90 be withdrawn from the Committee on Insurance and taken up for consideration at this time.

The motion prevailed.

The President then laid before the Senate:

Senate Resolution No. 90, Providing for a committee to investigate matters pertaining to the insurance business.

(Senator Stone in the Chair.)

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote:

Yeas—8

Chadick	Stone
Crawford	Sulak
Hazlewood	Vick
Knight	York

Nays—17

Aikin	Moffett
Bullock	Moore
Carney	Morris
Graves	Parrish
Jones	Ramsey
Kelley	Taylor
Lanning	Weinert
Martin	Winfield
Metcalf	

Absent

Brown	Shivers
Lane	Stanford

Absent—Excused

Mauritz	Spears
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House Concurrent Resolution 121

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 121, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 571.

The resolution was read and was adopted.

**Communication from President
Harry Truman**

The Presiding Officer laid before the Senate, and directed the Secretary to read, the following communication from the President of the United States:

May 29, 1945.

My dear Governor Smith:

I am very glad to know from the resolution which you transmitted to me that the Members of the Senate of the State of Texas approve so heartily my selection of Tom C. Clark as Attorney General. Please assure them that I am highly gratified to have this expression as to his qualifications.

Very sincerely yours,
HARRY TRUMAN.

Hon. John Lee Smith,
President of the Senate,
Senate Chamber,
Austin, Texas.

The communication was read.

On motion of Senator Moffett, the communication was ordered printed in the Journal.

(President in the Chair.)

House Concurrent Resolution 127

On motion of Senator Knight, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 127, Suspending Joint Rule No. 9 to permit the Senate to consider House Bill No. 887 on Tuesday, June 5, 1945.

The resolution was read, and by unanimous consent, was considered immediately.

The resolution was adopted by the following vote:

Yeas—29

Aikin	Lane
Brown	Lanning
Bullock	Martin
Carney	Metcalfe
Chadick	Moffett
Crawford	Moore
Graves	Morris
Hazlewood	Parrish
Jones	Ramsey
Kelley	Shivers
Knight	Stanford

Stone	Weinert
Sulak	Winfield
Taylor	York
Vick	

Absent—Excused

Mauritz	Spears
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House Bill 887 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 887, A bill to be entitled "An Act creating a more efficient road system for Houston County for the maintenance of public roads and highways other than duly designated State Highways of Houston County; conferring upon the Commissioners' Court of said County full power, authority and supervision of all public roads therein other than State highways, and prescribing the rights, powers and duties of said Court over such public roads; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 887 on Third Reading

Senator Knight moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 887 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Mauritz	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Mauritz	Spears
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House Concurrent Resolution 125

On motion of Senator Kelley, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 125, Suspending Joint Rule No. 9 to permit the Senate to consider House Bill No. 634 on Tuesday, June 5, 1945.

The resolution was read and was adopted.

House Bill 634 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 634, A bill to be entitled "An Act amending Section 1, H. B. No. 57, Chapter 442, Acts of the 44th Legislature, 2nd Called Session, 1935; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 634 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 634 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Brown	Jones
Bullock	Kelley
Carney	Knight
Chadick	Lane
Crawford	Lanning
Graves	Martin

Metcalfe	Stone
Moffett	Sulak
Moore	Taylor
Morris	Vick
Parrish	Weinert
Ramsey	Winfield
Shivers	York
Stanford	

Absent—Excused

Mauritz	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Mauritz	Spears
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House Concurrent Resolution 134

Senator Chadick moved that the regular order of business be suspended to take up for consideration at this time:

H. C. R. No. 134, Suspending the Joint Rules to permit the Senate to consider House Bill No. 146 today.

The motion was lost by the following vote:

Yeas—12

Aikin	Knight
Brown	Metcalfe
Carney	Moffett
Chadick	Ramsey
Crawford	Shivers
Hazlewood	Weinert

Nays—13

Bullock	Lane
Jones	Lanning
Kelley	Martin

Moore
Parrish
Stone
Stanford

Taylor
Vick
Winfield

Absent

Graves
Morris

Sulak
York

Absent—Excused

Mauritz

Spears

House Concurrent Resolution 128

On motion of Senator Taylor, and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 128, Suspending Joint Rule No. 9 to permit the Senate to consider H. J. R. No. 26 on Tuesday, June 5, 1945.

The resolution was read.

The resolution was lost by the following vote:

Yeas—12

Aikin
Brown
Chadick
Hazlewood
Lanning
Moffett

Morris
Stanford
Stone
Sulak
Taylor
Winfield

Nays—15

Bullock
Carney
Graves
Kelley
Knight
Lane
Martin
Metcalf

Moore
Parrish
Ramsey
Shivers
Vick
Weinert
York

Absent

Crawford

Jones

Absent—Excused

Mauritz

Spears

Report of Conference Committee on House Joint Resolution 49

Senator Shivers called up for consideration at this time, the report of the Conference Committee on House Joint Resolution No. 49.

Senator Shivers moved that the report be adopted.

Senator Parrish moved that the Senate do not adopt the report, and

that a new Conference Committee be appointed to consider further the differences between the two Houses on the bill.

(Senator Winfield in the Chair.)

Senator Shivers moved to table the motion of Senator Parrish.

The motion to table prevailed by the following vote:

Yeas—20

Brown
Carney
Graves
Hazlewood
Kelley
Knight
Lane
Lanning
Martin
Moffett

Moore
Ramsey
Shivers
Spears
Stanford
Stone
Taylor
Weinert
Winfield
York

Nays—9

Aikin
Bullock
Chadick
Jones
Metcalf

Morris
Parrish
Sulak
Vick

Absent

Crawford

Absent—Excused

Mauritz

Question then recurring on the motion of Senator Shivers that the report be adopted, it prevailed by the following vote:

Yeas—23

Brown
Bullock
Carney
Crawford
Graves
Hazlewood
Kelley
Knight
Lane
Lanning
Martin
Moffett

Moore
Ramsey
Shivers
Spears
Stanford
Stone
Sulak
Taylor
Weinert
Winfield
York

Nays—7

Aikin
Chadick
Jones
Morris

Parrish
Vick
Metcalf

Absent—Excused

Mauritz

**Report of Conference Committee on
Senate Bill 167**

Senator Lanning submitted the following report of the Conference Committee on Senate Bill No. 167:

Hon. John Lee Smith, President of the Senate.

Hon. Claud H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 167 have met, had same under consideration and recommend that Senate Bill No. 167 be passed in the form attached hereto.

LANNING

AIKIN

MARTIN

MORRIS

METCALFE

On the part of the Senate.

MORGAN

HUMPHREY

HELPINSTILL

RAMSEY

On the part of the House.

S. B. No. 167

An Act providing for a more efficient public school system in Texas; providing for the equalization of funds; making an appropriation of Fourteen Million Dollars (\$14,000,000.00) for each year of the biennium ending August 31, 1947; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; creating a Joint Legislative Committee; defining its powers and duties; providing for the appointment of a Legislative Accountant and providing for his powers and duties; providing that in the event the Joint Legislative Committee fails or refuses to perform duties herein imposed, same shall be performed by the State Board of Education; defining what schools and school districts may receive aid with certain exceptions thereto; defining budgetary need; providing for a system of transporting scholastics to and from schools under certain condi-

tions and limitations with reasonable exceptions thereto; providing for the method and manner of paying therefor; providing for the payment of high school and elementary tuition and designating who and what schools may receive same with certain exceptions and limitations; providing for application for aid; providing for the duties of County Boards of Trustees, County Superintendents and Boards of Trustees; providing for the function of Deputy State Superintendents; providing for the scholastic population of school districts; providing for the levy of a tax; providing for salary aid; providing for salary schedule and length of term; providing for transportation aid; providing for the transfer under certain circumstances of a school's scholastic enrollment for one year to an accredited school of higher rank; providing for disbursement; providing how counties with no governing school board may function in order to receive aid under this Act; providing for allowances to school districts suffering loss sustained by reason of the location in said districts of Federal owned lands or University owned lands; providing for penalties for violation of this Act; providing for the repeal of all laws in conflict with this Act; and containing a saving clause and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Article I. Eligibility for Aid.

Section 1. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts which have not fewer than twenty (20) nor more than twelve hundred fifty (1250) original enumerated scholastics within the grades classified to be taught remaining in the district after transfers out, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maximum limitations as to scholastic population for eligibility herein set forth shall not apply for any type of aid to any school district which is nine (9) miles or

more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal Census; provided further, that the maximum limitation as to the scholastic population for eligibility, herein set forth, shall not apply to any school district which has forty-five percent (45%) or more of its area submerged. Districts maintaining a school at home and having less than an average of one enumerated scholastic per square mile are exempt from said minimum scholastic requirement and are eligible for aid for only one teacher unless a geographical barrier necessitates the operation of two schools for the same race in said district, such geographical barrier to be determined by the State Department of Education and subject to the approval of the Legislative Accountant. If they can show budgetary need therefor, all other districts having less than said minimum scholastic requirement shall be eligible for only tuition and transportation aid to the nearest accredited school on enumerated scholastics whose grades are not taught in such district.

All school districts in this state which have received transportation aid only on a transportation budget, during the biennium ending August 31, 1945, notwithstanding any of the provisions of any preceding or subsequent provision of this Act, shall be authorized to receive the same type of aid which it formerly received to the extent of Two Dollars (\$2.00) per month per pupil on pupils actually transported who live two and one-half ($2\frac{1}{2}$) miles or more from the school to which they are transported, provided it can show transportation budgetary need therefor.

Provided that school districts in counties having a scholastic population equivalent to one-half of one pupil per square mile or less in the entire county may be exempt from the average daily attendance requirement and the teacher-pupil quota requirement of this Act, if it is so recommended by the State Superintendent of Public Instruction and approved by the Legislative Accountant, for the purpose of maintaining a high school of sixteen affiliated units, with seven teachers; but in no instance may the

cost to the equalization fund exceed Twenty-five Dollars (\$25.00) per pupil in such district.

No school district will be eligible for any type of aid, except tuition aid, under the provisions of this Act, which pays any salary above those specified in this Act from any state, local, or Federal funds whatsoever except Federal funds, used to supplement salaries of Vocational Agriculture, Home Economics and Trade and Industries teachers, and funds from the Federal Lanham Act.

Provided that the salaries of athletic directors, band directors or lunch room supervisors may be supplemented, from funds derived from sources other than taxes, without making the school ineligible under this Section; and provided further, that teachers who also serve as bus drivers, but who perform no administrative duties, may be paid an additional salary as bus drivers out of any funds of the district derived from a local maintenance tax in excess of the local maintenance tax of Fifty Cents (50c) on the One Hundred Dollars (\$100.00) valuation required to be levied by Section 2 of Article I hereof; provided further, that the additional salary paid for serving as bus driver shall conform to the salary scale paid other bus drivers of the district, and an itemized list of all such supplements shall be furnished the State Department of Education and the Legislative Accountant with the general budget of the district.

Sec. 2. Tax Levy. No school district shall be eligible to receive any type of aid authorized under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current school year a local maintenance school tax of not less than Fifty Cents (50c) on the One Hundred Dollars (\$100.00) of property valuation in the entire district. The property valuation shall not be less than said property is valued for state and county purposes. The income from such a maintenance tax in excess of the required Fifty Cents (50c) maintenance tax must first be used to retire indebtedness, if any, in the local and Equalization (Rural Aid) school funds. After the indebtedness in these funds, if any, has been retired, the income from this maintenance tax in excess of the required Fifty Cents (50c) mainte-

nance tax may be used at the discretion of the local school authorities of the district for any lawful school purpose except increasing or supplementing any teacher's or administrative salaries. Any or all maintenance tax above Fifty Cents (50c) may not be included in the calculation of need for aid, but shall be reported in the budget with an itemized statement of its expenditure. If the income from the maintenance tax above Fifty Cents (50c) is not spent as prescribed herein, it shall be included as receipts in the budget. In order to comply with the terms of this section, it shall be necessary for such school districts applying for any type of aid authorized under the terms of this Act, to report all valuations within such districts, including all consolidated districts and annexed districts, and failure to report all such valuations shall prevent such district from receiving any type of aid authorized under this Act.

No school district will be eligible for aid under the provisions of this Act which has reduced its tax rate within the two years immediately preceding the year for which aid is applied for hereunder or which has reduced its tax valuation in order to show budgetary need.

Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attended school in Polk County, Texas.

Sec. 3. Distance Between Schools. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half ($2\frac{1}{2}$) miles of another school of the same race, unless on account of the conditions of the roads and other physical features, it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district, nor to any district which at some previous election has voted to remove such conditions by consolidation, nor to any school district that has received state aid for the preceding five (5) years when need is shown as provided in this Act, nor to any district whose school building is two and one-half ($2\frac{1}{2}$) miles or more from the nearest accredited high school building; provided a school district in which a military installation of any

kind cuts off a part of its territory and makes it impracticable for the residents of such portion of the district to reach the school of that district, then such district may receive aid in such an amount as will pay the tuition of the students in said portion in such elementary or high school as they may attend. The tuition rate per student shall not exceed the rate fixed in Section 1, Article IV of this Act.

Sec. 4. Average Daily Attendance. No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five percent (65%) of the scholastic census enrollment for either white or colored school. However, salary aid may be granted to any school whose average daily attendance is sixty-five percent (65%) or more of the scholastics necessary for the teachers actually employed. Sixty-five percent (65%) average daily attendance shall be based for the entire school term, or at the election of the school and with the approval of the Legislative Accountant, may be based upon the first four months thereof. The provisions of this section shall not apply to any school where there is any kind of epidemic of sickness that has resulted in a quarantine, but such exemption may be allowed only with the approval of the State Department of Education and of the Legislative Accountant, and when the facts are determined and certified to by the County or State Health Officer residing in the area affected. Provided, however, that school districts having parochial schools within their boundaries shall first deduct the number of children actually attending the parochial school, who are residents of the district, before arriving at the average daily attendance as provided in this section.

Sec. 5. The term "budgetary need" as used in this Act, is defined as the difference between the total of all revenues of the district and the total of all operating expenses if such expenses are greater than the revenues. The revenues of the district shall include: (1) state and county available, local maintenance, and state aid balances brought forward from the preceding year; (2) state and county available and local maintenance receipts derived from a local maintenance tax of Fifty Cents (50c) on the One Hundred Dollars (\$100.00) valu-

ation for the current year; and (3) tuition to be collected locally. The operating expenses of the district shall include: (1) salaries of teachers and administrators according to the schedule of allowances for same as provided in Article III of this Act; (2) operating expenses according to the schedule of allowances for same as provided in Article II of this Act.

Sec. 6. No adjustments of transfers or census changes made after November 1st of the current school year shall be recognized in making grants of any type of aid under the provisions of this Act.

Article II. The Application for State Aid.

Section 1. The trustees of the districts authorized to apply for aid under the provisions of this Act shall send to the State Superintendent of Public Institution on forms provided by said authority, which forms have been approved by the Legislative Accountant, all information that may be required. Said forms will include a budget by which the amount of salary Aid to which a school will be eligible shall be determined. The receipts as shown in said budget will include the state and county available and local maintenance balances brought forward from the preceding year, state and county available and local maintenance receipts for the current year, tuition to be collected locally, and miscellaneous receipts. The expenditure will include salaries of teachers as determined by the salary schedule stated herein, and a maximum of Two Hundred Ten Dollars (\$210.00) per teacher per year in accredited schools and One Hundred Ninety Dollars (\$190.00) per teacher per year in unaccredited schools for other current expenses; provided that if for either year of the biennium the Salary Aid Allocation shall be insufficient to guarantee the said Two Hundred Ten Dollars (\$210) and One Hundred Ninety Dollars (\$190) for current operating expenses, the State Superintendent, with the approval of the Legislative Accountant, is empowered to reduce all grants for that purpose proportionately. The total amount of approved expenditures less the total amount of receipts will be the amount of Salary Aid to which a school will be eligible; provided in no case will such amount exceed the approved amount of teachers' salaries. The State Superintendent shall, subject to

the provisions of this Act, upon approval of the Legislative Accountant grant to the school an amount of aid as will, with state and county available funds, together with all other funds including tuition, maintain the school for such a period and in such a manner as authorized in this Act; provided that school districts qualifying for salary aid under the provisions of this Act may use this aid either to maintain a school in the home district or to provide school facilities for the bona fide scholastics of the districts in some other school of higher rank. The application shall be sworn to by the county superintendent of all Common School Districts and president and secretary of the board of trustees of all Independent School Districts applying for aid. School districts accepting aid under the provisions of this Act shall share in the distribution of state and county available school funds and in all other funds as herein may be provided.

Section 2. Filing Date. All applications for any type of aid authorized herein, except tuition aid, shall be on file with the State Department of Education and a copy on file with the Legislative Accountant in Austin not later than October 1st of each scholastic year for which aid is asked. The grant of salary for superintendent and/or principal of any school whose application is filed later than October 1st of each year shall be reduced to the extent of one month's salary, and no application shall be considered for any type of aid filed after December 1st.

Article III. Salary Aid.

Section 1. Teacher-Pupil Quota. State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event scholastics are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, provided such transfers are from districts eligible to receive aid under Article 1 of this Act for the current year, and excluding the

transfers out of the district; and there shall be deducted all scholastics who have completed the course of study in their home school, as classified by the county board of trustees, those whose grades are taught within the district from which they are transferred, unless such scholastics maintain an average daily attendance of sixty-five (65) per cent in the district to which they are transferred, and all scholastics enrolled in or attending parochial schools in the district. Where unusual or extraordinary conditions cause an actual increase in enrollment so that the average daily attendance of a school reaches a point in excess of the net scholastics remaining in the district after transfer, on adjustment for the remainder of the school year as to the number of teachers may be made by the State Superintendent, and on approval of the Legislative Accountant in which case said average daily attendance becomes the basis for the teacher-pupil quota.

Section 2. Salary Schedule and the Length of Term. The base pay for class room teachers in unaccredited schools shall be One Hundred and Thirty-five Dollars (\$135.00) per month for eight (8) months. The base pay for class room teachers in accredited schools shall be One Hundred and Thirty-five Dollars (\$135.00) per month for nine (9) months. The base pay for Home Economics teachers shall be One Hundred and Thirty-five Dollars (\$135.00) per month for ten (10) months. The base pay for Vocational Agriculture teachers, and Trades and Industries teachers shall be One Hundred Seventeen Dollars and Fifty Cents (\$117.50) per month for twelve (12) months. Three Dollars (\$3.00) per month shall be added for each year of college credit over one year not to exceed Fifteen Dollars (\$15.00). One Dollar and Fifty Cents (\$1.50) per month shall be added for each year of teaching experience; provided such amount added for experience shall not exceed Fifteen Dollars (\$15.00) per month.

Administrative Salaries. Additional allowances for teachers serving as principals in unaccredited schools shall be Five Dollars (\$5.00) per month per teacher but in no instance to exceed Forty Dollars (\$40.00) per month.

Allowances for high school principals in accredited schools shall be Twelve Dollars (\$12.00) per month in schools with nine (9) to eleven (11)

teachers; twelve (12) to nineteen (19) teachers, Thirty Dollars (\$30.00); twenty (20) to twenty-nine (29) teachers, Thirty-five Dollars (\$35.00) per month; thirty (30) or more teachers, Forty Dollars (\$40.00) per month. Salaries for high school principals in accredited schools shall be paid for ten months. Superintendents in schools having five (5) teachers shall receive an additional allowance of Forty-five Dollars (\$45.00) per month; six to seven (7) teachers, Fifty Dollars (\$50.00) per month; eight (8) to eleven (11) teachers, Fifty-five Dollars (\$55.00) per month; twelve (12) to nineteen (19) teachers, Seventy-five Dollars (\$75.00) per month; twenty (20) to twenty-nine (29) teachers, Ninety-five Dollars (\$95.00) per month; thirty (30) or more teachers, One Hundred Five Dollars (\$105.00) per month. Salaries of superintendents shall be paid for twelve (12) months. No school with less than nine (9) teachers can have both principal and superintendent. Principals of accredited elementary schools in a district which does not include a high school shall receive an additional allowance of six dollars (\$6.00) per month per teacher, not to exceed Fifty-four Dollars (\$54.00) per month.

Elementary and Junior High School principals in a school district having a four year high school, may receive an additional allowance of Two Dollars and Fifty Cents (\$2.50) per month for each elementary teacher under his supervision, if the school in which he is teaching is located in a building apart from the high school building, or if he devotes fifty percent (50%) or more of his time to supervision and the school employs nine or more teachers, but in no event shall he receive more than Fifty Dollars (\$50.00) per month additional.

The annual salary of teachers in accredited schools shall be the monthly salary multiplied by nine (9). The annual salary of teachers in unaccredited schools shall be the monthly salary multiplied by eight (8). The annual salary of superintendents of accredited schools with eight (8) or more recognized affiliated credits and entitled to five (5) teachers or more under Section 1 of this Article; Vocational Agriculture teachers; and Trades and Industries teachers, shall be the monthly salary as determined by schedule stated herein multiplied by twelve (12). The annual salary

of Home Economics teachers shall be the monthly salary as determined by said schedule multiplied by ten (10.) All such authorized salaries may be paid in twelve (12) equal payments, which shall not exceed the contract or the salary schedule beginning with September 1st of each year. Salaries of superintendents and Vocational teachers may begin on July 1st rather than September 1st. All schools of the accredited class receiving aid shall provide a term of approximately nine (9) months, and schools of the unaccredited class receiving aid shall provide a term of approximately eight (8) months. An accredited school is one teaching either the elementary grades, the elementary grades plus two (2) years of high school, or the elementary grades and four (4) years of high school and recognized by the State Department of Education as doing standard work.

Article IV. Tuition Aid.

Section 1. It is hereby expressly provided that a sufficient amount of funds allocated by this Act shall be used for the payment of tuition not to exceed Nine Dollars (\$9.00) for high school pupils and Five Dollars (\$5.00) for grade school pupils per month, and no instance shall more than five (5) months tuition be paid for any one pupil on the census roll for any one school year. High School tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, 44th Legislature, as amended, and subject to the limitations, changes, and restrictions provided in this Act. In the event a receiving school has its budget balanced with salary aid, there shall be deducted from the salary aid grant of such school any amount of tuition collected from sending districts, and all such collections shall be included in the revenue section of the State Aid application. Such revenue shall include the total tuition received for the preceding school year by such school district. In no event shall any salary aid school receive tuition aid in any amount which, together with the salary aid granted, exceeds the budgetary need as indicated by the approved state aid applications. Receiving schools refusing to accept such approved rate as the maximum amount to be charged, shall not be eligible to receive tuition aid funds. It is further provided that tuition aid as above set out shall be granted for

pupils attending from an orphans' home in the district or transferred into a district from an orphans' home or from either of the State Training Schools, or pupils attending, who are the children of employees of any eleemosynary institution of this state, or for any or all of such children transferred into a district from any eleemosynary institution.

Section 2. Application for Tuition Aid. It shall be the duty of the county superintendent to receive and check all tuition applications to determine the following facts: age of pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, and the amount of time the pupil was in actual attendance at the receiving school. When such application has been reviewed and checked as herein provided, same shall be properly sworn to by said county superintendent, the president and/or secretary of the school board of the sending district of the pupil, and the superintendent of the receiving school, before said application is transmitted to the Director of Equalization at Austin, Texas, for his rejection, modification, or approval, which shall be subject to the approval of the Legislative Accountant; and no such application shall be considered by the Director of Equalization unless same has been duly deposited with him at Austin, Texas, within sixty (60) days after his request for same, and in no instance later than June 1st, of the current school year.

Article V. Transportation Aid.

The County Superintendent and County School Boards of the several counties of this state subject to the approval of the State Superintendent of Public Instruction, are hereby authorized to annually set up the most economical system of transportation possible for the purposes of transporting both grade and high school pupils from their districts, and within their districts. The county shall be regarded as the unit and the warrant made payable to the County Board Transportation Fund, on the total transportation earned within the County not to exceed the total approved cost thereof; and the County Board of Education shall distribute the funds equitably to the districts

operating such transportation systems not to exceed the actual approved cost of any one (1) bus so operated. The expenses of such transportation shall be paid on the basis of budgetary need as indicated by approved State Aid application, out of the funds herein allocated and appropriated for transportation aid, not to exceed Three Dollars (\$3.00) per month per pupil for high school pupils and Two Dollars and Seventy-five (\$2.75) per month per pupil for elementary school pupils for those attending the most convenient accredited school; provided that if there be no convenient accredited school that such pupil may obtain like aid under the provisions of this Article when attending any near school of higher classification than the sending district, when designated by the County Board on the basis of Three Dollars (\$3.00) per month per pupil for high school pupils and Two Dollars and Seventy-five Cents (\$2.75) per month per pupil for elementary school pupils who reside two and one-half ($2\frac{1}{2}$) miles or more from the nearest school in such district; provided further, that all school districts containing one hundred (100) square miles of territory or more or which have less than one (1) enumerated scholastic per square mile may receive Three Dollars and Twenty-five Cents (\$3.25) per month per pupil; provided further, that all the counties having less than three (3) enumerated scholastics per square mile in the entire county shall receive Three Dollars and Fifty Cents (\$3.50) per month per pupil as transportation aid when there is a need shown therefor as provided herein.

In no instance may aid be granted for pupils transported who attend a grade in another school, which grade is taught in such pupil's home district. No transportation aid shall be granted for a pupil being transported out of his home school district if two or more receiving schools are applying for transportation aid from such pupil's home district unless the bus routes through such district have been approved by the State Department of Education and confirmed by the Legislative Accountant. Aid shall not be granted under any provisions of this Article unless the pupil so transported actually resides more than two and one-half ($2\frac{1}{2}$) miles from the school attended and is transported in an approved bus over an approved route. Provided that the

County Superintendent shall locate a point on each bus route two and one-half ($2\frac{1}{2}$) miles from the receiving school, and after such point is established he shall personally determine whether the school is requesting transportation aid on any pupil residing within the two and one-half ($2\frac{1}{2}$) mile limit. No transportation aid shall be allowed on pupils living within the said two and one-half ($2\frac{1}{2}$) mile limit and any district requesting aid on such pupil shall become ineligible for transportation aid on each bus transporting such pupils; provided however, all school districts conforming to County Unit System of Transportation and receiving no other type of aid, either tuition or salary, and comprising three or more consolidated districts containing fifty (50) square miles or more of territory, may receive transportation aid only on a transportation budget showing need therefor on the basis and at the rate provided in this Act.

County Boards of Trustees are hereby authorized to employ bus drivers for one year, and the salary of no bus driver may be paid out of the County Board Transportation Fund created herein unless such bus driver is so employed. Provided further, that only pupils or persons directly connected with the school system shall be transported on school buses while in the process of transporting pupils to and from the school, and any bus driver violating the foregoing provisions shall forfeit his contract and shall be immediately discharged by the County Board of Trustees. However, subject to the provisions herein, bus drivers who own their own buses, and are so employed, may be given a contract for not to exceed two (2) years, conditioned that said bus drivers agree to make improvements on their buses, so as to more adequately insure safer transportation for the scholastics, and the route of such bus is not changed for the second year of the contract.

Article VI. Duties of the State Superintendent of Public Instruction.

It shall be the duty of the State Superintendent of Public Instruction and the Legislative Accountant to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropri-

ated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of Deputy State Superintendents herein-after authorized to make a thorough investigation, in person, of the teaching staff and financial condition of each school applying for aid through the Superintendent's office and the depository banks; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid actually needed as shown by the approved budget and actual expenditures, and that the funds are being used as approved. The State Superintendent of Public Instruction shall employ twelve (12) Deputy State Superintendents and such other employees as may be authorized in the Departmental Appropriations Bill for the biennium ending August 31, 1947, and shall pay such salaries as are therein authorized and expend such other monies as therein permitted out of the appropriation as shown for the Equalization Division of the Department of Education as herein provided and allocated; and such deputies and other employees shall be used exclusively for the administration and supervision of this Act. In order to carry out and expedite the provisions of this Act, each of the twelve (12) Deputy State Superintendents authorized to be appointed herein, shall reside in the respective supervisory districts twelve (12) months in the year, except when out of the district on authorized vacation or on official business. The salaries and traveling expenses and other contingent expenses of the herein authorized employees are hereby appropriated. All of the appropriation for the administration of this Act shall be used exclusively by the Equalization Division and none of the appropriation for travel and contingent expense shall be used except by the Director of Equalization, the Executive Secretary and the regularly employed Deputy State Superintendents. In the event the appropriations and allocations of aid made herein are insufficient to pay the total of all applications showing need, the State Superintendent and the Director of Equalization shall reduce all applications pro-rata so as to bring the aggregate of all applications approved within the appropriations and all allocations herein made; and in order to accomplish this, said director shall re-

duce the authorized expenditures of all schools applying for Salary Aid pro rata; shall lower the tuition rate of all schools applying for tuition pro rata; and decrease the Transportation Aid of each scholastic transported pro rata, so as to bring the total Salary Aid, Tuition Aid and Transportation Aid within the allocations herein set forth. Appeals from the decision of the State Superintendent shall be made to the State Board of Education.

Article VII. Function of the Deputy State Superintendents.

The Deputy State Superintendents authorized under the provisions of this Act are hereby directed to make such inspections as are required in Article VI, which inspections shall be completed and reports made to the Director of Equalization not later than January 31st of each scholastic year. Each Deputy State Superintendent shall advise with school officials concerning proper budgeting of their school funds and assist the districts in making their applications for aid, and each Deputy State Superintendent shall spend not less than two (2) days in the County Superintendent's office of each county in his supervisory district. During the second semester of the year the Deputy State Superintendent shall check to ascertain whether the standards are being maintained and the funds used as approved. All schools affected either directly or indirectly by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application.

Article VIII. Transfer of the Entire District by Contract.

Upon the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the County Superintendent and the State Superintendent, a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment of the entire district, or one or more schools of the

district, for one year, to a school of higher rank. If the receiving school receives State Aid, the scholastic census rolls of both schools shall be combined, the per capita apportionment shall be paid direct to the receiving school, the proportionate share of all local taxes of the sending contracting district, except those taxes going to the interest and sinking fund shall be credited to the receiving school by the Tax Collector as collected, and the teacher-pupil quota shall be based on the combined census total. If the receiving school is not a State Aid School, the scholastic census rolls of both schools shall be combined, the per capita apportionment shall be paid direct to the receiving school, the proportionate share of all local taxes of the sending contracting district except those going to the interest and sinking fund shall be credited to the receiving school by the Tax Collector as collected, and the sending contracting district will be eligible for as much salary aid as is necessary to supplement the State Available and Local Maintenance funds, on the scholastics from the sending district attending a school in the receiving district, to cover the approved cost of instruction per scholastic in the receiving school, provided that such approved cost shall not exceed Nine Dollars (\$9.00) per month for five (5) months for high school students or Five Dollars (\$5.00) per month for five (5) months for elementary students.

Article IX. Disbursements.

Section 1. Warrants for all money granted under the provisions of this Act shall be approved and transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which aid is granted in the same manner as warrants for state apportionments are now transmitted. Initial payment of not more than fifty per cent (50%) of salary aid, tuition aid, and transportation aid may be made by the State Superintendent of Public Instruction upon approval of the Legislative Accountant after September 1st of each year of the biennium. Final payment by warrant of the total amount allotted to any one school shall then be made not later than June 1st, or as early as possible thereafter, after the approval and upon the order of the State Superintendent of Public Instruction and the Legislative Ac-

countant. Such final payments shall be made on a percentage basis so that each school approved for aid will receive the same proportion of aid.

Sec. 2. It shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than the succeeding October 1st. Districts receiving aid under the provisions of this Act shall issue warrants for not to exceed the amount approved in the budget and for the exact purpose as approved. All warrants issued against a fund shall be numbered and paid by the depository in the order issued.

Sec. 3. Any school which has received any payments of state funds in excess of the amount to which it was legally entitled shall be ineligible for any type of aid under the provisions of this Act unless and until the amount of excess payments has been refunded to the State Treasury.

Article X. Counties Having no Governing School Board.

In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized in this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts and all aid shall be granted on the basis of need after proper budgeting, the same as herein provided.

Article XI. Federal Government Land Purchased and University Lands.

The State Superintendent shall take into consideration in fixing allowances to school districts applying for aid, any loss sustained by such districts by reason of the location in said districts of Federal owned lands or University owned lands. It is expressly understood that any revenues received by said school districts by virtue of this Article must be included as revenue in the budget before calculating a budgetary need for such schools applying for aid.

Article XII. Joint Legislative Committee.

Section 1. There is hereby created a Joint Legislative Committee composed of five (5) members of the Sen-

ate, appointed by the President of the Senate, and five (5) members of the House of Representatives, appointed by the Speaker of the House of Representatives, a majority of which shall constitute a quorum for the purpose of discharging any duty imposed upon said committee. Said committee shall promptly organize and select from its membership a chairman, a vice-chairman and a secretary; shall vote as a unit on all propositions coming before it for consideration, and shall keep a permanent record of its proceedings. The members of said committees shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member.

Sec. 2. Within thirty (30) days after the appointment of this committee, it shall meet and appoint a Legislative Accountant to perform the duties set forth in this Act. Said Legislative Accountant shall be appointed and hold office for a period of two (2) years or until his successor is appointed and qualifies. The Joint Legislative Committee, or a majority of the membership thereof, shall execute a written appointment of the person so appointed as such Legislative Accountant and cause the same to be filed in the office of the Secretary of State. All vacancies in the office of the Legislative Accountant shall be filled by the committee or a majority of the membership thereof.

Sec. 3. The person appointed Legislative Accountant shall be experienced in matters affecting school administration and finances, and shall hold a degree from some recognized college or university. He shall have been a resident of Texas for at least five (5) years immediately preceding his appointment. He shall qualify within ten (10) days after his appointment by taking the Constitutional oath of office and executing a bond to be approved by the appointing power, payable to the Governor of the State of Texas or his successor in office, in the sum of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful discharge of the duties of his office, with a solvent surety company as surety. The premium to the surety company for the execution of such bond shall be paid by the State.

Sec. 4. In addition to the other

duties conferred upon the Legislative Accountant by this Act, it shall be his duty to audit all applications for aid, after same have been passed on by the State Department of Education, and when such application has been approved by said Department, it shall then be the duty of the Legislative Accountant to approve or reject such application, as the provisions of this Act may require. The Legislative Accountant shall have access at all times to all of the books, accounts, reports, and other records of the State Department of Education pertaining to the administration and enforcement of this law, and also shall have access to the records of all school and bank depositories thereof.

Sec. 5. Immediately after the close of each fiscal year, it shall be the duty of the Legislative Accountant to make a detailed report of his work to the Joint Legislative Committee. The Joint Legislative Committee shall consider such report and make recommendations based thereon to the next Regular Session of the Legislature thereafter. Said Committee is also directed to study the school laws in order that same said laws may be recodified, and make recommendations thereon to the next Legislature.

Sec. 6. The Legislative Accountant may employ such clerical assistance and other personnel, and purchase necessary office supplies and equipment, as he may need within the limits of the appropriations made herein for such purpose. The rates of pay for the employees of the Legislative Accountant shall conform to those set forth in the Departmental Appropriation Bill for similar positions.

Sec. 7. Should the Joint Legislative Committee for any reason fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Committee shall be performed by the State Board of Education, the same as if said Committee had not been created or authorized.

Article XIII. Appropriation and Allocation.

Section 1. Appropriation. For the purpose of promoting the equalization of educational opportunities afforded by the State of Texas to all enumer-

ated scholastics within the state as herein provided, and for the purpose hereinabove set out, there is hereby appropriated out of the General Revenue Fund of the State of Texas, not otherwise appropriated, the sum of Fourteen Million Dollars (\$14,000,000.00) for the fiscal year ending August 31, 1946, and Fourteen Million Dollars (\$14,000,000.00) for the fiscal year ending August 31, 1947, or so much thereof as may be necessary for the biennium ending August 31, 1947, to be allocated and expended under the provisions of this Act by the State Department of Education and under the supervision of the Legislative Accountant.

Sec. 2. Allocation. It is hereby specifically provided that out of the money appropriated for each school year of the biennium, the sum of Eight Million One Thousand One Hundred Twenty-nine Dollars (\$8,001,129.00) is hereby set aside for Salary Aid; Nine Hundred Thousand Dollars (\$900,000.00) for High School and elementary tuition; Five Million Dollars (\$5,000,000.00) for Transportation Aid; Seventy-three Thousand Eight Hundred Seventy-one Dollars (\$73,871.00) for the administration of this Act as provided herein; Twenty-five Thousand Dollars (\$25,000.00) for the expenses of the Legislative Committee, the salary of the Legislative Accountant, and for such other and necessary expenses incident to the duties of the Legislative Accountant. Such Legislative Accountant shall be paid a salary of not more than Four Thousand Two Hundred Dollars (\$4,200.00) per year out of the sum hereby allocated. Any unexpended balance under either of the above allocations at the end of the first year of the biennium shall be transferred by order of the State Superintendent of Public Instruction, and with the approval of the Legislative Accountant, to any allocation herein created and set up.

Article XIV. Penalty Provisions.

Any district violating any of the provisions of this Act shall forfeit all rights to such aid and shall be disqualified to receive any aid of any nature under any Article of this Act for the current year. Should any school district which would otherwise be eligible to receive aid fail to use the funds for the exact purpose for which they were allocated in the approved budget, such school district becomes ineligible for further aid until such

offense is corrected. The amount of money granted for each type of aid except tuition shall be set up as a separate account and shall be made only for the specified purposes for which such money was granted. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee, and/or district trustee, or any other person to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose.

Article XV. Repealing and Constitutional Clauses.

All laws or parts of laws in conflict herewith are hereby repealed; and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

The report was read and was adopted.

Record of Vote

Senator Sulak asked to be recorded as voting "nay" on the adoption of the report.

Senator Moore moved to reconsider the vote by which the report was adopted.

Senator Metcalfe moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—14

Hazlewood	Shivers
Kelley	Spears
Lanning	Stone
Martin	Taylor
Metcalfe	Vick
Moore	Weinert
Ramsey	Winfield

Nays—12

Aikin	Knight
Brown	Lane
Bullock	Moffett
Chadick	Morris
Crawford	Parrish
Jones	York

Absent

Carney	Stanford
Graves	Sulak

Absent—Excused

Mauritz

House Concurrent Resolution 142

On motion of Senator Kelley, and by unanimous consent, the regular order of business was suspended to consider at this time:

H. C. R. No. 142, Instructing the Enrolling Clerk of the Senate to make certain changes in Senate Bill No. 317.

The resolution was read and was adopted.

Report of Conference Committee on Senate Bill 338

Senator Metcalfe submitted the following report of the Conference Committee on Senate Bill No. 338:

Austin, Texas,
June 5, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust differences between the House and Senate on S. B. No. 338, beg leave to recommend that same be passed in the form and substance hereto attached, your committee having found a way to assist the State Higher Institutions and at the same time protect the returning veterans.

Respectfully submitted,

LANE
METCALFE
SHIVERS
TAYLOR
HAZLEWOOD

On the part of the Senate.

BELL of DeWitt
SENTERFITT
BARBER
SMITH, A. B.

On the part of the House.

S. B. No. 358

By Senators Lane, Metcalfe and Hazlewood.

A BILL
To Be Entitled

An Act to amend Article 2654b-1, Chapter 9a, entitled Tuition and Control of Funds of State Institu-

tions, Title 49, entitled Education-Public, Vernon's Annotated Civil Statutes of Texas, being Chapter 6, Acts, First Called Session, 43rd Legislature (1933), page 10, Compiled Laws of said Session, as amended by Chapter 337, Acts, Regular Session, 48th Legislature (1943), page 568, Compiled Laws of said Session, by adding a new section thereto to be known as Section 4, providing that the exemption of veterans of the present World War from the payment of dues, fees, and charges by state educational institutions of higher learning shall not prevent the payment by the Federal Government of the costs of education of eligible veterans in said educational institutions, and authorizing the governing boards of such educational institutions to enter into contracts with the United States Government or any of its agencies for the education of such veterans, and providing for a refund by said educational institutions of tuition to veterans under certain conditions; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Article 2654b-1, Chapter 9a, entitled Tuition and Control of Funds of State Institutions, Title 49, entitled Education-Public, Vernon's Annotated Civil Statutes of Texas, being Chapter 6, Acts, First Called Session, 43rd Legislature (1933), page 10, Compiled Laws of said Session, as amended by Chapter 337, Acts, Regular Session, 48th Legislature (1943), page 568, Compiled Laws of said Session by adding a new section thereto to be known as Section 4, providing that the exemption of veterans of the present World War from the payment of dues, fees and charges by state educational institutions of higher learning shall not prevent the payment by the Federal Government of the costs of education of eligible veterans in said educational institutions, and authorizing the governing boards of such educational institutions to enter into contract with the United States Government or any of its agencies for the education of such veterans, and providing for a refund by said educational institutions of tuition to veterans under certain conditions; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Article 2654b-1, Chapter 9a, entitled Tuition and Control of Funds of State Institutions, Title 49, entitled Education-Public, Vernon's Annotated Civil Statutes of Texas, being Chapter 6, Acts, First Called Session, 43rd Legislature (1933), page 10, Compiled Laws of said Session, as amended by Chapter 337, Acts, Regular Session, 48th Legislature (1943), page 568, Compiled Laws of said Session, is hereby amended by adding a new section thereto to be known as Section 4 which shall read as follows:

"Section 4. The exemption from the payment of dues, fees, and charges as provided hereinabove in Section 1 and Section 3 of this Article shall not apply to or include honorably discharged members of such United States Armed Forces, or other persons hereinabove named, who are eligible for education or training benefits provided by the United States Government under Public Law No. 16, 78th Congress, or amendments thereto, or under Public Law No. 346, 78th Congress, or amendments thereto, or under any other Federal legislation that may be in force at the time of registration in the college concerned of such ex-service man or woman. As to all ex-service men or women as defined in this section, the governing boards of each of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are hereby authorized to enter into contract with United States Government, or any of its agencies, to furnish instruction to such ex-service men and women at a tuition rate which covers the estimated cost of such instruction, or, in the alternative, at a tuition rate of One Hundred Dollars (\$100.00) a semester, as may be determined by the governing board of the institution concerned; provided, however, that if such rates as herein specified are prohibited by Federal law for any particular class of ex-service men or women, then, and in that event, the tuition rate shall be such rate as may be agreed to by said governing boards, but in any event not less than the established rates for civilian students; provided further that should the Federal Law provide as to any class of veterans that such tuition payments are to be deducted from any subsequent benefits which said veter-

an may be hereafter entitled to receive, the educational institution concerned is hereby authorized and directed to refund to any veteran who is a resident of Texas within the meaning of this Act the amount by which any adjusted compensation payment is hereafter actually reduced on account of tuition payments made by the Federal Government to such educational institutions for such veteran."

Sec. 2. The fact that provision has been made by the Congress of the United States for the payment of certain costs for the education and training of certain eligible veterans of the present World War at educational institutions, and the further fact that provisions should be made whereby the eligible veterans of this state could take advantage of such training, and for this purpose the governing boards of the several state educational institutions of higher learning should be authorized to enter into contracts with the United States Government, or any of its agencies, for this purpose, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days be suspended, and this Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Concurrent Resolution 138

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to consider at this time:

H. C. R. No. 138, Suspending the Joint Rule to permit the House and Senate to consider House Bill No. 875 on Tuesday, June 5, 1945.

The resolution was read and was adopted by the following vote:

Yeas—30

Aikin	Lanning
Brown	Martin
Bullock	Metcalf
Carney	Moffett
Chadick	Moore
Crawford	Morris
Graves	Parrish
Hazlewood	Ramsey
Jones	Shivers
Kelley	Spears
Knight	Stanford
Lane	Stone

Sulak
Taylor
Vick

Weinert
Winfield
York

Absent—Excused

Mauritz

**Motion to Place House Bill 725 on
Second Reading**

Senator Morris moved that the regular order of business be suspended and that H. B. No. 725 be placed on its second reading and passage to third reading.

Question—Shall the motion prevail?

**Report of Conference Committee on
House Joint Resolution 62**

By unanimous consent, Senator Martin at this time submitted the following conference committee report on House Joint Resolution No. 62:

Austin, Texas,
June 5, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee to adjust the differences between the House and the Senate on H. J. R. No. 62, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

MARTIN
AIKIN
MOFFETT
STONE
SHIVERS

On the part of the Senate.

SALLAS
BELL of DeWitt
SENTERFITT
THOMAS
COLLINS

On the part of the House.

By Cousins, et al. H. J. R. No. 62

House Joint Resolution proposing an Amendment to Article III of the Constitution of the State of Texas by the addition of a new Section to be known as Section 49-b, creating a Veteran's Land Board and establishing a Veteran's Land Fund; providing for an election and the issuance of a proclamation therefor.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Article III of the

Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 49-b which shall read as follows:

"Section 49-b. There is hereby created a Board to be known as the Veteran's Land Board, which shall be composed of the Governor, the Attorney General, and the Commissioner of the General Land Office. The Legislature shall provide by law for the issuance by said Board of not to exceed Twenty-five Million Dollars (\$25,000,000) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veteran's Land Fund. Such bonds shall be executed by said Board as an obligation of the State of Texas in such form, denominations, and upon such terms as shall be prescribed by law, provided, however, that said bonds shall bear a rate of interest not to exceed three (3) per cent per annum.

"In the sale of any such bonds a preferential right of purchase shall be given to the administrators of the various teacher retirement funds, the Permanent University Funds, and the Permanent Free School Funds; such bonds to be issued only as needed, in the opinion of the Veteran's Land Board, under Legislative authorization.

"The Veteran's Land Fund shall be used by the Board for the sole purpose of purchasing lands suitable for the purpose hereinafter stated, situated in this State (a) owned by the United States, or any governmental agency thereof; (b) owned by the Texas Prison System, or any other governmental agency of the State of Texas; or (c) owned by any person, firm, or corporation.

"All lands thus purchased shall be acquired at the lowest price obtainable, be paid for in cash, and shall be a part of the Veteran's Land Fund.

"The lands of the Veteran's Land Fund shall be sold by the State to Texas Veterans of the present war or wars, commonly known as World War II, in such quantities, and on such terms, and at such prices and such rates of interest, and under such rules and regulations as may be prescribed by law; provided, however, that any such lands remaining unsold at the expiration of eight (8) years after the effective date of this Amendment may be sold to anyone as shall be prescribed by law.

"All moneys received and which have been received and which have not been used for repurchase of land as provided herein by the Veteran's Land Board from the sale of lands and for interest on deferred payments shall be credited to the Veteran's Land Fund for use in purchasing additional lands to be sold to Texas Veterans of World War II, in like manner as shall be provided for the sale of lands purchased with the proceeds from the sales of the bonds, provided for herein, for a period of eight (8) years from the effective date of this Amendment; provided, however, that so much of such moneys as may be necessary to pay interest on the bonds herein provided for shall be set aside for that purpose. After eight (8) years from the effective date of this Amendment, all moneys received by the Veteran's Land Board from the sale of the lands and interest on deferred payments, or so much thereof as may be necessary, shall be set aside for the retirement of said bonds and to pay interest thereon, and any of the moneys not so needed shall be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law."

Sec. 2. The foregoing constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State of Texas on the First Thursday in November, 1946 at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"FOR the Amendment to Article III of the Constitution of the State of Texas by adding Section 49-b creating a Veteran's Land Fund for the purchase of lands in Texas to be sold to Texas Veterans of World War II."

Those opposing said proposed Amendment shall write or have printed on their ballots the following words:

"AGAINST the Amendment to Article III of the Constitution of the State of Texas by adding Section 49-b creating a Veteran's Land Fund for the purchase of lands in Texas to be sold to Texas Veterans of World War II."

If it appears from the returns of said election that a majority of the votes cast were in favor of said

Amendment, the same shall become a part of the State Constitution and be effective from the date of the determination of such result and the Governor's proclamation thereof.

Section 3. The Governor of the State of Texas shall issue the necessary proclamation for said election, and shall have the same published as required by the Constitution and laws of this State.

"Section 4. The sum of \$10,000.00 dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury of the State not otherwise appropriated to pay the expenses of such publication and election."

The report was read, and was adopted by the following vote:

Yeas—30

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent—Excused

Mauritz

House Concurrent Resolution 143

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 143, Requesting the Governor to return to the House for correction, House Bill No. 173.

The resolution was read and was adopted.

House Concurrent Resolution 137

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 137, Instructing the Enrolling Clerk of the House to make

certain corrections in House Bill No. 173.

The resolution was read and was adopted.

Senate Resolution 91

Senator Shivers offered the following resolution:

Be it Resolved by the Senate, That the following named employees be retained for a number of days and at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and convening of the next session of the Legislature, for which services he shall receive the same per diem he now receives, and in addition thereto, he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office, except additional employees. He may employ one stenographer during the interval between adjournment of this session and convening of the next session of the Legislature, who shall receive \$5.00 per day. In addition to other duties, the Secretary shall index and annotate the Legislative Manual for the Senate of the Forty-ninth Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the Members of the Senate.

The Assistant Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$6.00 per day.

The Lieutenant Governor shall be allowed \$10.00 per day, or so much thereof as he shall deem necessary, for secretarial services from the closing of this session, until the convening of the next session, and said sum shall be expended as he may direct.

The Warrant Clerk shall be retained for a period of ten days at a salary of \$5.00 per day. The Calendar Clerk shall be retained for fifteen days at \$8.50 per day.

The Journal Clerk shall be retained for a period of 120 days at \$8.50 per day, and subject to the approval of the Contingent Expense Committee, may have an assistant or typist for not exceeding 90 days at \$5.00 per day.

The Sergeant-at-Arms shall be retained during the interval between the adjournment of this session and the convening of the next session at \$9.00 per day, with two assistants for 21 days at \$5.00 per day, and one assistant for 10 days at \$5.00 per day. The Sergeant-at-Arms shall assist the Senate Custodian. The Chairman of the Committee on Contingent Expense may employ or retain at \$3.00 per day as many porters as may be necessary and a head porter at \$4.75 per day. The Enrolling and Engrossing Clerk shall be retained seven (7) days at \$9.00 per day, and three assistants to assist her shall be retained for seven (7) days at \$6.00 per day. The private secretary of each Senator may be retained for six days at \$6.00 per day to perform such duties as may be required of them. The post-mistress shall be retained six days at \$7.50 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators. The Mailing Clerk of the Senate shall be retained for six days at \$7.50 per day, and one (1) assistant for four days at \$5.00 per day.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Regular Session of the Forty-ninth Legislature. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$5.00 per day.

Resolved, That the following named employees shall be retained after adjournment sine die (in addition to any other period for which they have been or may be retained) for the number

of days and at the per diem indicated, as follows:

Mrs. Anne Polglass, Mailing Room Clerk, 3 days at \$7.50 per day.

Mrs. Lola Lawrence, Postmistress, 4 days at \$7.50 per day.

R. A. Childers, Assistant Sergeant-at-Arms, 6 days at \$5.00 per day.

Charles Morris, Messenger, 3 days at \$3.00 per day.

Eddie Brown, Porter, 1 day at \$3.00 per day.

Jessie Fininen, Porter, 1 day at \$3.00 per day.

Joe Gordon, Porter, 2 days at \$3.00 per day.

Myer Nobles, Porter, 6 days at \$3.00 per day.

Roy Sneed, Porter, 1 day at \$3.00 per day.

Resolved, That there shall be printed seven hundred fifty (750) volumes of the Senate Journals of the Regular Session of the Forty-ninth Legislature, and when completed, two hundred fifty (250) copies shall be bound in buckram and delivered to the Secretary of State and one volume thus bound shall be forwarded by the Secretary of State to each member of the Senate and House of Representatives, to the Lieutenant Governor and Secretary of the Senate, and twenty-five (25) such copies shall be delivered to the Secretary of the Senate, and the remaining copies shall be retained by the Secretary of State. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said chairman to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law and as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Regular Session of the Forty-ninth Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Regular Session of the Forty-ninth Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for

the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expense; and be it further.

Resolved, That the cash balance on hand under the provisions of S. R. No. 15, of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$40.00 per month; and be it further

Resolved, That the Senate Committee on Contingent Expense shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs as may be necessary between the adjournment of this session and convening of the next session of the Legislature.

On motion of Senator Shivers, and by unanimous consent, the reading of the resolution in full was dispensed with and it was adopted.

(Senator Moore in the Chair.)

Presentation of Gift to Lieutenant Governor

The Presiding Officer recognized Senator Ramsey, who came forward to the President's rostrum and there presented to Lieutenant Governor John Lee Smith on behalf of the Members of the Senate a gold pen and pencil set.

(President in the Chair).

Election of President Pro Tempore Ad Interim

The President announced that the next business in order was the election of President pro tempore ad interim.

Senator Vick nominated Hon. W. C. Graves, of Dallas County, to be President pro tempore of the Senate ad interim.

Senators Aikin, Lanning, Winfield, Metcalfe, York and Chadick seconded the nomination.

On motion of Senator Spears, it was ordered that nominations be closed.

The President appointed Senators Hazlewood, Lanning and Lane as tellers to take up and count the ballots. The tellers reported that Hon. W. C. Graves had received 29 votes, and the President declared him duly elected President pro tempore ad interim, and appointed Senators Vick, Stone, and Spears to escort him to the President's rostrum.

The President administered the oath of office to Hon. W. C. Graves, and presented him to the Senate as its President pro tempore ad interim.

President pro tempore Graves then addressed the Senate briefly, and thanked the Members of the Senate for the honor conferred upon him.

Joint Legislative Committee

The President announced the appointment of the following Joint Legislative Committee, on the part of Senate, pursuant to the provisions of Senate Bill No. 167:

Senators Bullock, Aikin, Metcalfe, Morris and Knight.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the senate that the House has passed the following Bills and Resolutions:

The House has adopted the conference committee report on H. J. R. No. 62 by a vote of 119 ayes and 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 88, "An Act to amend Article 6602, Revised Civil Statutes of Texas, 1925, as amended by Chapter 45, Section 1, Acts of the 48th Legislature, Regular Session, 1943; and declaring an emergency."

S. B. No. 269, "An Act to amend Section 2a, Section 2b, and Section

3 of Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended by providing that all containers and pertinent equipment used or to be used for storage, transporting and/or dispensing of liquefied petroleum gases, together with appliances using or to use said gas, shall be designed, constructed, assembled, equipped and installed as specified by the rules and regulations of the Railroad Commission; etc., and declaring an emergency."

S. B. No. 176, "An Act to amend Chapter 122, Acts of 1915, 34th Legislature, known as Articles 31 and 41, inclusive, Revised Civil Statutes of Texas; repealing said Chapter 122, Acts of the 34th Legislature; providing for the creation of a State Board of Public Accountancy in Texas; and declaring an emergency."

S. B. No. 346, "An Act amending Section 11 of House Bill No. 961, Chapter 45, Acts of the 47th Legislature, Regular Session, authorizing the Commissioners' Court of Dallas County to appoint a purchasing agent for said county, and to fix his duties, official bond, and compensation, providing his compensation shall not exceed forty-five hundred (\$4500.00) dollars per annum; and declaring an emergency."

S. B. No. 324, "An Act relating to the salaries of all State officers except the salaries and other compensation of district judges and except those Constitutional State Officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of offices; and specifically repealing all laws and parts of laws in conflict herewith; and declaring emergency."

S. B. No. 311, "An Act authorizing the State to accept from the City of Laredo, Texas, and from the Webb County Tuberculosis Association, a corporation, title to and conveyance of all lands, and all buildings thereon, and equipment therein, which lands, buildings, and equipment are now being used by the City-County Tuberculosis Hospital (formerly the Laredo Sanatorium) for a Tuberculosis

Sanatorium, and operated by the Webb County Tuberculosis Association, etc., and declaring an emergency."

S. B. No. 317, Making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two year period beginning September 1, 1945, and ending August 31, 1947, and for payment of other specified claims and items, and declaring an emergency. With amendments.

S. B. No. 295, "An Act to amend subsection 63, of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, Revision, so as to rearrange, change and provide the terms and the time of holding District Court in Val Verde, Terrell, Edwards, Kinney and Maverick Counties, Texas, constituting the 63rd Judicial District Court of Texas; validating and continuing all processes issued or served before this Act takes effect, including writs, recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; validating the summoning of grand and petit juries under the present law so as to render them available under this Act; and declaring an emergency."

S. B. No. 348, An Act amending Acts of 1941, 47th Legislature, page 269, Chapter 183, and declaring an emergency.

S. B. No. 338, "An Act to amend Article 2654b-1, Chapter 9a, entitled Tuition and Control of Funds of State Institutions, Title 49, entitled Education—Public, Vernon's Annotated Civil Statutes of Texas, being Chapter 6, Acts, First Called Session, Forty-third Legislature (1933), page 10, Compiled Laws of said Session, as amended by Chapter 337, Acts, Regular Session, Forty-eighth Legislature (1943), page 568, Compiled Laws of said Session, by adding a new section thereto to be known as Section 4, providing that the exemption of veterans of the present World War from the payment of dues, fees, and charges by state educational institutions of higher learning shall not prevent the payment by the Federal Government of the costs of education of eligible veterans in said educational institutions, and authorizing the governing boards of such educational in-

stitutions to enter into contracts with the United States Government or any of its agencies for the education of such veterans and declaring an emergency."

S. B. No. 167, "An Act providing for a more efficient public school system in Texas; providing for the equalization of funds; making an appropriation of Fourteen Million Dollars (\$14,000,00.00) for each year of the biennium ending August 31, 1947; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; creating a Joint Legislative Committee; defining its powers and duties; providing for the appointment of a Legislative Accountant and providing for his powers and duties; providing that in the event the Joint Legislative Committee fails or refuses to perform duties herein imposed, same shall be performed by the State Board of Education; defining what schools and school districts may receive and with certain exceptions thereto; providing for a system of transporting scholastics to and from schools under certain conditions and limitations with reasonable exceptions thereto; etc., and declaring an emergency."

H. B. No. 38, "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Board of Health to define and fix the specifications and standards for certain meat and meat food products sold for human food as defined in the Act; providing that specifications and standards defined and fixed shall be in harmony with the regulations contained and set out in this Act; authorizing the State Board of Health and its representatives to supervise and regulate the grading and labeling of meat and meat products sold for human food."

H. B. No. 121, "An Act to amend Articles 3386, 3576, 4141, 4201 and 4216 of the Revised Civil Statutes of Texas relating to bonds of administrators and guardians; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 301, "An Act providing

for the construction of two State office buildings and a garage; providing for the wrecking and removal of Walton Office Building, providing for a Legislative and Business Council to assist and advise the State Board of Control; providing for the location of said buildings; providing that one building be constructed as to house certain businesses; providing for the construction of an underpass and tunnel connecting said buildings with the Captiol; providing that certain buildings may be located adjacent to said underpass and tunnel; providing for the rental to tenants of garage and space for business by the Board of Control under certain conditions."

H. B. No. 46, "An Act defining terms; providing for the filing of annual statements of cemetery perpetual care funds by perpetual care cemeteries, providing for payment of filing fees to accompany such statements; providing for the receipt and disbursement of funds derived from filing fees; providing the powers and duties of enforcement officers; providing for the organization of cemetery corporations, whether nonprofit corporations organized by cemetery lot owners, or private corporations organized for profit."

H. B. No. 290, "An Act amending Section 1, Chapter 42, p. 96, Acts of the First called Session of the 41st Legislature; providing for the transportation of pupils to and from school; authorizing the trustees of any school district, common or independent, to employ or contract with responsible persons or firms to provide such transportation; permitting the trustees in their discretion to cover and include in such employment or contract the transportation of pupils in parochial, denominational, or private schools.

H. B. No. 215, "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1945, and ending August 31, 1947; requiring certain fees to be paid clerk or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions repealing the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the validity of any portion of this

Act shall not affect any other portion; and declaring an emergency."

H. B. No. 80, "An Act to provide a penalty for the private use of county property of labor or services paid for by a county, including supplies, equipment, or other things of value belonging to such county; and making it unlawful for any officer of any county to knowingly use the labor services of any person whose labor service is paid for by such county for private use; and providing that if any person appointed or employed by any officer of any court or the Commissioners Court of any county shall knowingly use or permit to be used the labor or services of any person whose labor or services is paid for by such county for private use or profit be guilty of a misdemeanor."

H. B. No. 441, to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 8, Section 9, and Section 19, of Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended; etc., and declaring an emergency.

H. B. No. 549, "An Act amending Section 3, of Article 3833, Revised Civil Statutes, 1926, as amended; and amended by Acts, 1930, 41st Legislature, 4th Called Session, page 30, Chapter 20, Section 1; amending Article 3925, Revised Civil Statutes of Texas, 1925; amending Article 3927, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1941, 47th Legislature, page 641, Chapter 387, Section 1, amending Article 3930, Revised Civil Statutes of Texas, 1925, amending Article 3933, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1937, 43rd Legislature, page 437, Chapter 224, Section 1; amending Article 3955, Revised Civil Statutes of Texas, 1925; amending Article 3937, Revised Civil Statutes of Texas, 1925; amending Article 3939, Revised Civil Statutes of Texas, 1925, providing for the compensation of the assessor and collector of taxes in collecting state and county and other taxes and for issuing ad valorem tax certificates; and declaring an emergency.

H. B. No. 571, "An Act amending Article 619 of the Penal Code of the State of Texas making it a violation of law to keep or exhibit for the purpose of gaming, any policy game, any

gaming table, bank, wheel or device of any name or description whatever, or any table, bank, wheel or device for the purpose of gaming which has no name, or any slot machine, any pigeon hole table, any Jenny-Lind table or table of any kind and providing a penalty and declaring an emergency."

H. C. R. No. 34, Creating a Hospital Survey Commission to make a comprehensive survey of existing hospital facilities, to make recommendations for improvements, and to serve in conjunction with any and all Federal agencies.

H. B. No. 736, "An Act creating the District County Flood Control District in Dallas County, Texas, and defining its powers; providing that the powers, rights, privileges and functions of said District shall be exercised by a board of three directors to be appointed by the Governor and confirmed by the Senate and prescribing their terms of office and compensation; defining the duties of said directors and authorizing them to employ such assistants and employees as may be required in the management of the affairs of said District; etc., and declaring an emergency."

H. B. No. 884, Creating a more efficient road system for Henderson County for the maintenance of public roads and highways other than duly designated State Highways of Henderson County.

H. B. No. 883, "An Act providing that in all Cities and Towns heretofore incorporated, under the provisions of Chapter 12, Title 28, Revised Civil Statutes of Texas, 1925, which have functioned as incorporated Cities and Towns since the date of incorporation.

H. B. No. 127 "An Act regulating and licensing convalescent homes; defining terms; providing for inspection and reports; and declaring an emergency.

H. B. No. 879, "An Act making an appropriation of Ten Thousand Dollars (\$10,000.00) to the enforcement fund of the Livestock Sanitary Commission; and declaring an emergency."

H. B. No. 882, Amending Section 2, of Senate Bill No. 75, Acts of the Regular Session of the Forty-ninth Legislature, by striking therefrom in subsection F the words "other than feed"; and declaring an emergency.

H. B. No. 793, "An Act to amend subsection (a) of Section 13 of Chapter 465 of the General and Special Laws of the Forty-fourth Legislature, Second Called Session, relating to the compensation of stenographers for county judges, and declaring an emergency."

H. B. No. 887, "An Act creating a more efficient road system for Houston County for the maintenance of public roads and highways other than duly designated State highways of Houston County; and declaring an emergency."

H. B. No. 98, "An Act to amend Article 26, Title 1, of the Revised Civil Statutes of Texas of 1925, so as to allow oaths, affidavits or affirmations of members of the Armed Forces of the United States or the Auxiliaries thereof outside of the United States to be administered by any commissioned officer in the Armed Forces of the United States of America, in the Auxiliaries thereto, or by any commissioned officer in the Armed Force Reserve of the United States of America or any Auxiliary thereto; and declaring an emergency."

H. B. No. 634, "An Act amending Section 1, H. B. No. 57, Chapter 442, Acts of the 44th Legislature, 2nd Called Session, 1935; and declaring an emergency."

S. C. R. No. 41, Suspending Joint Rule No. 9, in order to consider House Bill No. 725 on Tuesday, June 5, 1945.

H. C. R. No. 127, Suspending Joint Rule 9 in order that the Senate may take up and consider House Bill No. 887, Tuesday, June 5, 1945.

H. C. R. No. 121, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 571.

H. C. R. No. 142, Instructing the Enrolling Clerk of the Senate to make certain changes in Senate Bill No. 317.

H. C. R. No. 137, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 173.

H. C. R. No. 125, Suspending the Joint Rules to permit the Senate to consider House Bill No. 634.

H. C. R. No. 143, Requesting the Governor to return to the House for correction, H. B. No. 173.

H. C. R. No. 138, Suspending the Joint Rules to consider H. B. No. 875 at any time.

H. J. R. No. 62, Proposing an Amendment to Article III of the Constitution of the State of Texas by the addition of a new Section to be known as Section 49-b; creating a Veteran's Land Board and establishing a Veteran's Land Fund; providing for an election and the issuance of a proclamation therefor.

H. J. R. No. 49, Proposing an Amendment to Article VIII of the Constitution of the State of Texas, by adding thereto a new section to be known as "Section 7-a" providing that all road-user tax revenues shall be used exclusively for constructing, maintaining, policing public roads and administering the laws pertaining to the use and user of such roads as prescribed by the Legislature.

H. B. No. 642, A bill to be entitled "An Act amending Article 2994, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1930, 41st Legislature, 4th Called Session, page 30, Chapter 20, Section 1; amending Article 3925, Revised Civil Statutes of Texas, 1925; amending Article 3927, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1941, 47th Legislature, page 641, Chapter 387, Section 1, amending Article 3930, Revised Civil Statutes of Texas, 1925, amending Article 3933, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1937, 43rd Legislature, page 437, Chapter 224, Section 1; amending Article 3955, Revised Civil Statutes of Texas, 1925; amending Article 3937, Revised Civil Statutes of Texas, 1925; amending Article 3939, Revised Civil Statutes of Texas, 1925, providing for the compensation of the assessor and collector of taxes in collecting state and county and other taxes."

Investigating Committee

The President announced the appointment of the following Senate committee to investigate natural gas

resources pursuant to the terms of Senate Resolution No. 86:

Senators Chadick, Carney, Lane, Weinert, and Taylor.

Committee to Notify the House

The President appointed the following committee to notify the House that the Senate has completed its labors and is ready to adjourn sine die: Senators Aikin, Graves, Spears, and Bullock.

Committee to Notify the Governor

The President announced the appointment of the following committee to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die: Senators Parrish, Vick and Taylor.

Governor and House Notified

The committees appointed to notify the Governor and House that the Senate is ready to adjourn sine die appeared at the bar of the Senate, and reported that the duties assigned them had been performed.

Senate Notified

A committee from the House appeared at the bar of the Senate, and Mr. Price, for the committee, notified the Senate that the House has completed its labors and is now ready to adjourn sine die.

Adjournment Sine Die

Senator Moore submitted the following motion in writing:

I move that the Regular Session of the Senate adjourn sine die for legislative purposes, subject to the provisions of S. R. No. 88.

MOORE

The motion prevailed.

The President, accordingly, at 12:00 o'clock m., declared the Senate of the regular session of the 49th Legislature adjourned sine die for legislative purposes.